

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22808 of 1996

ORAL ORDER:

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This writ petition is filed seeking a Mandamus for declaration of the result of the decision contained in letter No.Staff/Con.No.23/17 dated 26.6.1993 of the third respondent with regard to the sealed cover for promotion from 1.8.1987 to 1.8.1988 as arbitrary and illegal.

It appears, petitioner was facing departmental enquiry during the year 1987 when promotions to the Middle Management Gr.II to Middle Management Gr.III were being considered. Therefore, his case was considered and the result was kept under sealed cover in the year 1987. It is the case of the petitioner that after the enquiry was conducted, a minor punishment was imposed, therefore, he is entitled for promotion as is kept in the sealed cover.

Under the impugned letter dated 26.6.1993 with reference to the representation of the petitioner dated 26.3.1993, he was informed that his case was considered for promotion to the Middle Management Gr.III in the years 1987, 1988, 1989 and 1990 under sealed cover procedure. As the petitioner was imposed with major penalty of reduction in time scale by six stages with effect from 6.3.1991, all the sealed covers were rendered infructuous as per extant instructions relating to Department Policy/Sealed cover procedure, therefore, the petitioner was not eligible for consideration for promotion till the rigour period is over i.e. till the pay is restored to the level before the punishment. Aggrieved by the same, the present writ petition is filed.

The respondents have filed a detailed counter stating that the sealed cover procedure is to ensure a person if he is let off with the charges framed against him and in case he became eligible for being promoted, he should be promoted after completion of departmental enquiry. In this case, petitioner was inflicted with major penalty by six incremental stages and unless and until his pay is restored back and the punishment period is over, he will not

be considered for promotion even if it is found in the decision which was the subject matter of sealed cover that he is entitled for being promoted, the same cannot be given effect to. I am in full agreement with the contentions made by the respondents. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

C.V.RAMULU, J

Date: 16.3.2007

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**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22808 of 1996

Date: 16th March, 2007

Between:

N.S.Jagannadh

.. Petitioner

And

The Chairman, State Bank of India,
Central Office, Nariman Point,
Bombay & others.

.. Respondents